



May 2, 2018

House Natural Resources Committee
Lansing, Michigan

Re: HB 5638 – Modification to water withdrawal oversight

Dear Representatives,

The Michigan Environmental Council has worked since 2003 on the design and implementation of this program. A stakeholder group has been critical to the success of this program and is one of the reasons the program won a number of national awards. The current version of that workgroup continues to this day, the Water Use Advisory Council.

Why this legislation is so important:

- It encompasses the most sensitive and valuable water resources in the state of Michigan, including our world-class trout streams that are the backbone of our tourism industry in many regions of the state.
- Protection of our water resources is critical to future economic development in the state.
- Introduction of invasive species and changes in weather patterns are already adding additional stress to aquatic species and resources.

We appreciate the efforts of the sponsor to reach out and work with some of the members of that stakeholder group to modify the bill from its introduced version. We have reviewed the most recent drafts and have the following concerns:

- **The substitute bill fails to adequately outline the information that is required to make a determination that a withdrawal is not likely to cause an adverse resource impact**

The bill outlines a number of sources that may (or may not) provide valuable information to make a decision depending on the circumstances. However, the bill does not outline the factors that go into making the determination that a withdrawal is not likely to cause an adverse resource impact, and how the referenced sources support (or fail to support) each factor. Those factors include information supporting a determination of baseline flow of the river or stream in question, the number of other potentially impacted rivers and streams, and the streamflow depletion for each of those hydrologic units. If applicants want greater certainty in the process, the bill needs to better define what is expected from the process.

- **The substitute bill fails to give the department an adequate amount of time to review the information submitted on behalf of the applicant.**

The proposed substitute bill gives the department only ten days to review the information submitted pursuant to section 32706c(1). If the department does not reject the submission and give a detailed analysis for the reasons for doing so, the applicant is apparently allowed to register their well and proceed with construction. This timeframe is insufficient given the underfunded nature of this program and the potential complexity of the submission.

- **The bill allows the hydrologist hired on behalf one applicant to recalculate the impact of all of the existing registered water withdrawals in the impacted water management unit.**

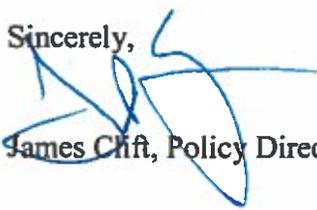
This exercise could be a massive undertaking and could potentially require a significant level of data acquisition that is not usually available to a hydrologist working on behalf of one landowner. It is premised on assumptions regarding the uniformity of geological formations which may or may not be present throughout a water management unit. As part of the site-specific review process the department does sometimes review existing well owners to ensure baseline information is correct and reasonable. However, they have access to data that is protected from disclosure to the public. Review of this type of reevaluation of an entire water management unit is clearly outside the scope of the current process and would take additional time and resources to evaluate (see first attachment).

- **The bill could have significant negative impacts on the management of the Great Lakes.**

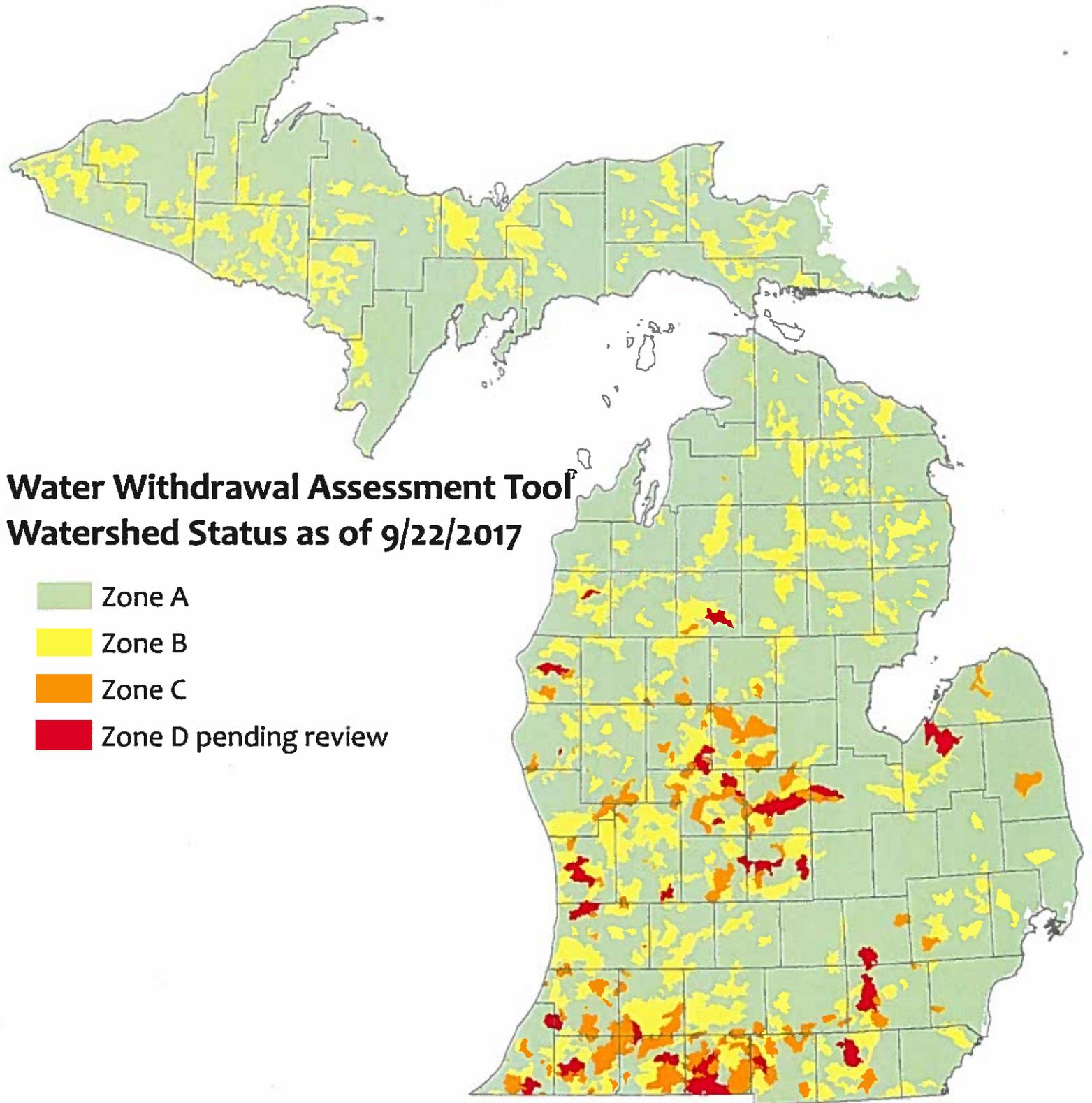
Michigan's water withdrawal statute regulatory program has been in existence for about ten years. However, in that timeframe, users have already exhausted the water allocation designed for dozens of streams. Those allocations levels were established by consensus as amounts that could be diverted without having significant impacts on health of our aquatic resources. The changes proposed could hasten further impacts without a fair assessment of the impact it could have on water resources within the state (see second attachment).

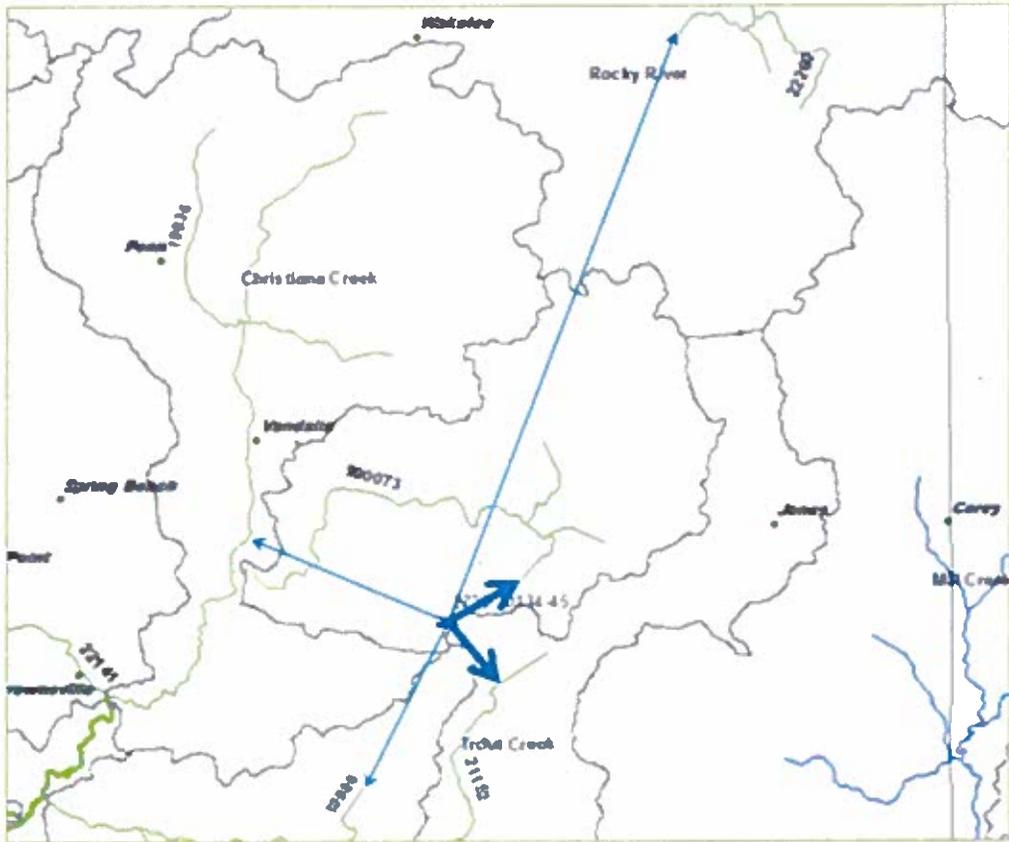
We urge the committee to refer further refinement of this proposed legislation to the Water Use Advisory Council so that consensus might be formed to move forward on the issues raised by HB 5638.

Sincerely,



James Chitt, Policy Director





WMA #	Distance from well (miles)	Allocation (gpm)
990073	0.9	28
21152	0.9	29
19986	2.1	8
19936	2.5	6
22260	7.1	0.8
Total:		72

